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EXAMINER

SOREY, ROBERT A

ART UNIT

PAPER NUMBER

3626

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,963	<b>Applicant(s)</b> HEBBLEWHITE ET AL.	
	<b>Examiner</b> ROBERT SOREY	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 5-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/14/09, 08/27/09</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Claims***

1. As per the submission to the Office filed on 08/05/2009, the following represents the current status of the claims: claim 1 was amended; claims 3 and 4 were cancelled; and claims 5-20 were added. Claims 1, 2, and 5-20 are presented for examination.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 8-12 and 17-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. As per claim 12, Applicant teaches the claim but it is unclear as to where the preamble of the claim ends. Please amend the claim to clearly distinguish the preamble from the body of the claim – the Examiner recommends a colon after the word “comprising” under the assumption this is where applicant desired the preamble to end.

5. As per claims 8-11 and 17-20, Applicant teaches, for example, a normal BMI range of 19-24 and an overweight BMI range of 25-29, but it is unclear as to what occurs to a person with a BMI of 24.5, for example.

6. As per claims 11 and 20, Applicant teaches an “extremely obese” characterization range, but there is a lack of antecedent basis for this limitation in the claims because claim 7, which sets forth the characterizations, does not include “extremely obese”.

***Examiner's Note on Nonfunctional Descriptive Material***

7. As per claims 1 and 12, the Examiner has placed little weight on what data is stored and displayed on the computer since the data itself has no material effect on the storing and displaying steps. The method did not alter or change the information received by the computer; therefore, the data itself (i.e., data associated with BMI, AHI, AI, Usage, and CPAP titration) is nonfunctional descriptive material and is given little weight for the purposes of examination. Applicant's claims simply teach storing and displaying data, which has long been taught. Regardless, the Examiner has cited portions of the prior art that read on the nonfunctional descriptive material in the claims. See: Ex parte Herman Mathias, Appeal No. 2005-1851, Application No. 09/612788; and Ex parte James Prescott Curry, Appeal No. 2005-0509, Application No. 09/449237.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 2, 12, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0208465 to Yurko.

10. As per claim 1, Yurko teaches a method for monitoring sleep disordered breathing ("SDB") management of a single patient on a computer, the method comprising the steps of:

--*storing data on the computer* (Fig. 1)(see: Yurko, paragraph 32-34 and 43-49, is met by data stored in a database on a computer), *the data being associated with a time period of interest* (Fig. 8A)(see: Yurko, paragraph 28, is met by device usage dates; paragraph 34 and 68, is met by start date and end data) *and relating to body mass index ("BMI")* (Fig. 10)(see: Yurko, paragraph 29 and 74, is met by weight and body mass index (BMI)) *and one or more of apnea hypopnea index ("AHIU"), apnea index ("AI"), Usage and continuous positive airway pressure ("CPAP") titration* (Fig. 23A-23E)(see: Yurko, paragraph 29, 63, 69, 74, and 111-112, is met by CPAP daily usage and compliance); *and*

--*displaying under control of the computer the BMI data together with one or more of AHI, AI, Usage and CPAP titration data for said patient* (Fig. 23A-23E)(see: Yurko, paragraph 29, 63, 69, 74, and 111-112, is met by CPAP daily usage and compliance) *in graphical form on a single screen for a selected time period* (Fig. 1; and Fig. 23A-23E)(see: Yurko, paragraph 43-49, is met by computer interface for data presentation; and paragraph 111-112, is met by reports) *to facilitate a comparative monitoring of the BMI and SDB management of said patient.*

The Examiner notes that while the arrangement of specific elements in the prior art are not exactly the same as those presented in the claims, section 2144.04 of the MPEP presents case law that sets legal precedent for supporting the rationale to reject based on design choice. Specifically, this regards the displaying *on a single screen*.

11. As per claim 2, Yurko teaches the invention substantially as claimed, see discussion of claim 1, and further teaches:

--wherein the selected time period is adjustable (Fig. 8A; and Fig. 23B)(see: Yurko, paragraph 28, is met by device usage dates; paragraph 34 and 68, is met by start date and end data being adjustable; and paragraph 112, is met by exclusion days).

12. As per claim 12, Yurko teaches an apparatus for monitoring sleep disordered breathing ("SDB") management of a single patient comprising a storage mechanism (Fig. 1)(see: Yurko, paragraph 32-34 and 43-49, is met by data stored in a database on a computer) for storing data associated with a time period of interest (Fig. 8A)(see: Yurko, paragraph 28, is met by device usage dates; paragraph 34 and 68, is met by start date and end data) and relating to said patient's body mass index ("BMI") (Fig. 10)(see: Yurko, paragraph 29 and 74, is met by weight and body mass index (BMI)) and one or more of apnea hypopnea index ("AHI"), apnea index ("AI"), Usage and continuous positive airway pressure ("CPAP") titration (Fig. 23A-23E)(see: Yurko, paragraph 29, 63, 69, 74, and 111-112, is met by CPAP daily usage and compliance); and a display for displaying the BMI data together with one or more of AHI, AI, Usage and CPAP titration data for said patient (Fig. 23A-23E)(see: Yurko, paragraph 29, 63, 69, 74, and 111-112, is met by CPAP daily usage and compliance) in graphical form on a single screen for a selected time period (Fig. 1; and Fig. 23A-23E)(see: Yurko, paragraph 43-49, is met by computer interface for data presentation; and paragraph 111-112, is met by reports) to facilitate a comparative monitoring of the BMI and SDB management of said patient.

The Examiner notes that while the arrangement of specific elements in the prior art are not exactly the same as those presented in the claims, section 2144.04 of the

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MPEP presents case law that sets legal precedent for supporting the rationale to reject based on design choice. Specifically, this regards the displaying *on a single screen*.

13. As per claim 13, Yurko teaches the invention substantially as claimed, see discussion of claim 12, and further teaches:

--wherein the selected time period is adjustable (Fig. 8A; and Fig. 23B)(see: Yurko, paragraph 28, is met by device usage dates; paragraph 34 and 68, is met by start date and end data being adjustable; and paragraph 112, is met by exclusion days).

14. **Claims 5, 6, 14, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0208465 to Yurko further in view of U.S. Patent 7,039,458 to Ueda.

15. As per claim 5, Yurko teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically point out:

--wherein BMI data is used to characterize a patient based on predetermined BMI ranges.

However, Ueda teaches BMI data to characterize a subject based on where that subject's BMI falls on a certain range (see: Ueda, column 7, line 57 through column 8, line 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yurko and Ueda. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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16. As per claim 6, Yurko teaches the invention substantially as claimed, see discussion of claim 5, and further teaches:

--wherein the patient characterization is displayed as a label on said single screen.

Yurko teaches a computer interface for data presentation, and reports (Fig. 1; and Fig. 23A-23E)(see: Yurko, paragraph 43-49; and paragraph 111-112). Additionally, Ueda teaches displaying a subject's characterization on a single display (Figs. 8, 10, 11, and 12)(see: Yurko, column 7, line 57 though column 8, line 25; and column 12, lines 11-15).

17. As per claim 14, Yurko teaches the invention substantially as claimed, see discussion of claim 12, but fails to specifically teach:

--wherein BMI data is used to characterize a patient based on predetermined BMI ranges.

However, Ueda teaches BMI data to characterize a subject based on where that subject's BMI falls on a certain range (see: Ueda, column 7, line 57 though column 8, line 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yurko and Ueda. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.



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18. As per claim 15, Yurko teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the patient characterization is displayed as a label on said single screen.

Yurko teaches a computer interface for data presentation, and reports (Fig. 1; and Fig. 23A-23E)(see: Yurko, paragraph 43-49; and paragraph 111-112). Additionally, Ueda teaches displaying a subject's characterization on a single display (Figs. 8, 10, 11, and 12)(see: Yurko, column 7, line 57 though column 8, line 25; and column 12, lines 11-15).

19. **Claims 7-11 and 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0208465 to Yurko in view of U.S. Patent 7,039,458 to Ueda further in view of Trends (Cynthia L Leibson, David F Williamson, L Joseph Melton III, Pasquale J Palumbo, et al. "Temporal Trends in BMI Among Adults With Diabetes". Diabetes Care. Alexandria: Sep 2001. Vol. 24, Iss. 9; p. 1584).

20. As per claim 7, Yurko teaches the invention substantially as claimed, see discussion of claim 6, but fails to specifically teach:

--wherein patient characterizations include normal, overweight and obese.

However, Trends teaches BMI categorizations of normal, overweight and obese (see: Trends, page 1585, under the heading of "Data collection"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yurko, Ueda, and Trends. The well known elements described are

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merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

21. As per claim 8, Yurko teaches the invention substantially as claimed, see discussion of claim 7, and further teaches:

--wherein a patient characterization of normal represents a BMI range of 19-24

(see: Trends, page 1585, under the heading of "Data collection", is met by a normal BMI range of 18.5-24.9).

22. As per claim 9, Yurko teaches the invention substantially as claimed, see discussion of claim 7, and further teaches:

--wherein a patient characterization of overweight represents a BMI range of 25-

29 (see: Trends, page 1585, under the heading of "Data collection", is met by an overweight BMI range of 25.0-29.9).

23. As per claim 10, Yurko teaches the invention substantially as claimed, see discussion of claim 9, and further teaches:

--wherein a patient characterization of obese represents a BMI range of 30-39

(see: Trends, page 1585, under the heading of "Data collection", is met by an obese BMI range of 30.0-39.9).

24. As per claim 11, Yurko teaches the invention substantially as claimed, see discussion of claim 10, and further teaches:

--further including a patient characterization of extremely obese representing a

BMI range of 40-54 (see: Trends, page 1585, under the heading of "Data collection", is

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met by an extremely obese BMI range of 40 and over, and it is obvious that Applicant's range of 40-54 falls within the range of 40 and over, which is in concert with Applicant's specification, which states that the claimed range is an "example" that was "typical" in the art at the time the invention was made).

25. As per claim 16, Yurko teaches the invention substantially as claimed, see discussion of claim 15, but fails to specifically teach:

--wherein patient characterizations include normal, overweight and obese.

However, Trends teaches BMI categorizations of normal, overweight and obese (see: Trends, page 1585, under the heading of "Data collection"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yurko, Ueda, and Trends. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable..

26. As per claim 17, Yurko teaches the invention substantially as claimed, see discussion of claim 16, and further teaches:

--wherein a patient characterization of normal represents a BMI range of 19-24

(see: Trends, page 1585, under the heading of "Data collection", is met by a normal BMI range of 18.5-24.9).

27. As per claim 18, Yurko teaches the invention substantially as claimed, see discussion of claim 17, and further teaches:

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--wherein a patient characterization of overweight represents a BMI range of 25-29 (see: Trends, page 1585, under the heading of "Data collection", is met by an overweight BMI range of 25.0-29.9).

28. As per claim 19, Yurko teaches the invention substantially as claimed, see discussion of claim 18, and further teaches:

--wherein a patient characterization of obese represents a BMI range of 30-39 (see: Trends, page 1585, under the heading of "Data collection", is met by an obese BMI range of 30.0-39.9).

29. As per claim 20, Yurko teaches the invention substantially as claimed, see discussion of claim 19, and further teaches:

--further including a patient characterization of extremely obese representing a BMI range of 40-54 (see: Trends, page 1585, under the heading of "Data collection", is met by an extremely obese BMI range of 40 and over, and it is obvious that Applicant's range of 40-54 falls within the range of 40 and over, which is in concert with Applicant's specification, which states that the claimed range is an "example" that was "typical" in the art at the time the invention was made).

30. **Claims 5-20 and 14-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0208465 to Yurko in view of Applicant Admitted Prior Art (AAPA).

31. Claims 5-20 and 14-20 are rejected in view of Applicant's specification (see: page 9, line 30 through page 10, line 4), which states: "Based on the BMI value, the system determines the status of the patient at step S12. The system characterizes the patient

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as Normal, Overweight, Obese, or Extremely Obese. The determination is based on typical classifications where, for example, Normal is defined by a BMI of 19-24, Overweight is defined by a BMI of 25-29, Obese is defined by a BMI of 30-39, and extremely obese is defined by a BMI of 40-54.”

32. Applicant's statement that such BMI characterization ranges are an “example” that would have been “typical” in the art at the time the invention was made is further supported by Trends (Cynthia L Leibson, David F Williamson, L Joseph Melton III, Pasquale J Palumbo, et al. “Temporal Trends in BMI Among Adults With Diabetes”. Diabetes Care. Alexandria: Sep 2001. Vol. 24, Iss. 9; p. 1584).

#### ***Examiner's Note***

33. The article “Detection of Continuous Positive Airway Pressure compliance in a Group of Chinese Patients with Obstruction Sleep Apnea” (Hui et al., CHEST, Vol 120, No 1, 07/2001, pp 170-176), cited on Applicant's 01/13/2006 IDS, was found to be of significant relevance, though it was not used for the purposes of rejection. Specifically, on page 2 (original publication page 170), under the heading of *Other Parameters of Interest*, Hui teaches analyzing variables, such as BMI and AHI, for correlation with CPAP compliance at intervals such as 1 and 3 months.

#### ***Response to Arguments***

34. Applicant's arguments from the response filed on 08/05/2009 have been fully considered and will be addressed below in the order in which they appeared.

35. In the remarks, Applicant argues in substance that (1) the “Examiner has misapplied Ex Parte Herman Mathias, Appeal No. 2005-1851” because “[i]f the subject

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claims defined just storing BMI data and displaying it, then the Mathias logic would apply. But the claims define more. Taking claim 1 as an example, two kinds of data are stored -- BMI and one or more of several kinds of data that the invention relates to BMI data. And instead of just displaying raw data, claim 1 requires displaying the BMI data in graphical form together with one or more of the other data in a way (and on a single screen) that facilitates comparative monitoring of the patient. This is a far cry from just storing some arbitrary data and displaying it".

The Examiner respectfully disagrees. Applicant's arguments are not persuasive.

The claims do not define more than storing data and displaying said stored data. That the data is displayed in "graphical form on a single screen" is given its broadest reasonable interpretation, and the prior art meets this limitation. The data was not altered or changed in such a way as to make the data functional in the displaying in graphical form on a single screen step. Using Applicant's method, any data can be displayed in graphical form – the data not being material to displaying in graphical form.

The data was given little weight because there is no material effect on the storing and displaying steps. The method did not alter or change the information received by the computer; therefore, the data itself (i.e., data associated with BMI, AHI, AI, Usage, and CPAP titration) is nonfunctional descriptive material and is given little weight for the purposes of examination. Applicant's claims simply teach storing and displaying data, which has long been taught. Regardless, the Examiner has cited portions of the prior art that read on the nonfunctional descriptive material in the claims. See: Ex parte Herman

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Mathias, Appeal No. 2005-1851, Application No. 09/612788; and Ex parte James Prescott Curry, Appeal No. 2005-0509, Application No. 09/449237.

The prior art meets the limitation because Yurko teaches a graphical user interface that allows data input, data manipulation, and data presentation. The user can input, modify, and view data on a visual display. Any specific arrangement of data reported, such as the being presented in a graphical form on a single screen, is a recitation of Applicant's design choice. The Examiner notes that while the arrangement of specific elements in the prior art are not exactly the same as those presented in the claims, section 2144.04 of the MPEP presents case law that sets legal precedent for supporting the rationale to reject based on design choice. Specifically, this regards the displaying *on a single screen*.

36. In the remarks, Applicant argues in substance that (2) the prior art does not meet the claims because "[f]or a single patient, [Applicant is] relating BMI and other data to each other in graphical form in a way that facilitates comparative monitoring of BMI and sleep disordered breathing management of the patient. Even the display of all the data on one screen as claimed is important because this enables clinicians to visually compare BMI against long-term trends in CPAP statistics. This is much more than is disclosed in Yurko. In fact, Yurko does not even talk about historical storage of older data that would be required to compare BMI against long-term trends in CPAP statistics".

The Examiner respectfully disagrees. Applicant's arguments are not persuasive.

That the data is displayed in graphical form on a single screen “to facilitate a comparative monitoring of the BMI and SDB management of said patient”, as claimed, is a recitation of Applicant’s intended use, and a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to Applicant's argument that the references fail to show certain features of Applicant’s invention, it is noted that the features upon which Applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Specifically, Applicant argues the claims teach “relating BMI and other data to each other in graphical form”, however, such relating cannot be gleaned from the claims. What is claimed is displaying “BMI data together with one or more of AHI, AI, Usage and CPAP titration data for said patient in graphical form”, which does mean that the data is necessarily related in any way.

Furthermore, Yurko teaches "using the present invention in connection with the therapeutic treatment in monitoring of sleeping disorders, the patient-specific data may correspond to...body mass index” (see: Yurko, paragraph 29), and, by using the medical history forms screen displayed to the user, BMI information regarding the patient and other aspects of the patient's medical history are recorded (see: Yurko,



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paragraph 74). Additionally, Yurko teaches providing summaries of the data collected for patients in table, chart, and statistical form, and adjusting the time period to exclude unwanted days for a patient using a CPAP system (see: Yurko, at least paragraph 111 and 112), for example.

### ***Conclusion***

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ROBERT SOREY** whose telephone number is (571)270-3606. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM (EST).

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40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on (571)272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. S./

Examiner, Art Unit 3626  
9 November 2009

/C. Luke Gilligan/

Supervisory Patent Examiner, Art Unit 3626